



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/02/2014 (Per: GMM)

Compile Draft – Appendix C

A  The 2013 drafting file for
LRB-3930

C  The 2013 drafting file for
LRB-3939

B  The 2013 drafting file for
LRB-3938

D  The 2013 drafting file for
LRB-3948

This file has been copied/added to the drafting file for

2013 LRB-4038

2013 DRAFTING REQUEST

Bill

Received: 1/8/2014 Received By: gmalaise
Wanted: Soon Same as LRB:
For: Children and Families 1-8678 By/Representing: Kimber Liedl
May Contact: Drafter: gmalaise
Subject: Children - day care Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: kimberly.liedl@wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to DCF rules governing child care centers; rule-making procedures

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 1/10/2014	kfollett 1/13/2014		_____			
/1			jmurphy 1/13/2014	_____	srose 1/13/2014		

FE Sent For:

<END>

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/?	gmalaise	1/13/14	1/13/14	_____	_____	_____	_____
		1/13	1/13	Jm 1/13	_____	_____	_____

FE Sent For:

<END>

Malaise, Gordon

From: Liedl, Kimberly - DCF <Kimberly.Liedl@wisconsin.gov>
Sent: Tuesday, January 07, 2014 1:59 PM
To: Malaise, Gordon
Cc: Buschman, Sara - DCF
Subject: RE: Administrative rule bill
Attachments: DECE Licensing Rules for Drafting.doc

Hi, Gordon, here's our second set of changes for the Right the Rules bill. Please let me know if you have any questions.
Thanks,
Kimber

From: Liedl, Kimberly - DCF
Sent: Friday, January 03, 2014 5:16 PM
To: Malaise, Gordon - LEGIS
Cc: Buschman, Sara - DCF
Subject: Administrative rule bill

Hi, Gordon, here is the beginning of our drafting instructions for our admin rule change bill. Please let me know if you have any questions. We will send the rest of the changes early next week.
Thanks and have a good weekend,
Kimber

Kimberly Liedl
Legislative Liaison
Department of Children and Families

201 East Washington Avenue
Madison, WI 53703
T: 608.261.8678
E: kimberly.liedl@wisconsin.gov

Chapter: DCF 250 Licensing Rules for Family Child Care Centers

Section	Description	Possible Action	Type of Businesses Impacted
250.04 (2) (b)	<p>Operational Requirements – Terms of License</p> <p>Amend rule to address only business insurance. Drop the requirement that the provider must provide written information to parents on vehicle insurance.</p>	<p>“(g) Provide written information to parents on whether a licensee has insurance coverage on the premises, and on the child care operation and on vehicles if transportation is provided business. Liability insurance on the child care business is required if cats or dogs are allowed in areas accessible to children during the hours of operation as specified in s. DCF 250.07 (7) (h).”</p>	Licensed family
250.04 (6) (a) 1.	<p>Operational Requirements – Children’s Reports</p> <p>Amend to correct reference to a form when there are several forms used to meet this requirement.</p>	<p>“1. Enrollment information and health history on a form information provided by the department. The enrollment information and health history shall be on file prior to the child’s first day of attendance.”</p>	Licensed family

Chapter: DCF 251 Licensing Rules for Group Child Care Centers

Section	Description	Possible Action	Type of Businesses Impacted
251.03 (5) (2) (4)	Definitions Amend definition of "child care teacher" to include correct rule reference.	"(5) "Child care teacher" means a child care worker who plans, implements, and supervises the daily activities for a designated group of children and meets the qualifications under s. DCF 251.05(1)(f) 251.05 (1)(f)	Licensed group
251.07 (6) (2) (f) 5.	Program - Health Amend to correct rule reference.	"5. Applicable rules under s. DCF 251.09(4) s. DCF 251.09 (4)(a) shall apply to child care workers when children 2 years of age and older require attention for diapering and toileting." (2) (f) (5) (1)(f)	Licensed group
251.07 (6) (k) 3. 250.07 (6)(2) 3.	Program - Health Amend to allow alternate ways to document a child's health examination.	"3. The health examination report shall be an electronic printout from a licensed physician, physician assistant, or HealthCheck provider or on a form provided by the department and shall be that is signed and dated by a physician, physician assistant, or HealthCheck provider."	Licensed group
251.09 (1) (e)	Additional Requirements for Infants and Toddler Care - General Requirements Amend to correct rule reference	"(e) The regularly assigned child care teacher and assistant child care teacher for each group of infants and toddlers shall have a minimum of 10 hours of training in infant and toddler care approved by the department within 6 months after assuming the position. If the training is not part of the required entry-level training under s. DCF 251.05 (4)(e) or (e) (1)(f) or (g), it shall be obtained through continuing education." (g)	Licensed group
251.095 (2) (d) (2) (c)	Exceptions/Additional Requirements for Care of School-	"Section DCF 251.05(1)(e) 251.05 (1) (g), relating to	

203.03 (2)(c)

(5) 2.

Section	Description	Possible Action	Type of Businesses Impacted
	<p>Age Children</p> <p>Amend to correct rule reference.</p>	<p>training for assistant child care teachers."</p>	<p>Licensed group</p>



State of Wisconsin
2013 - 2014 LEGISLATURE

IN 1110
500

Wanted
1114

(LNM)



LRB-39397

1
Kof

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(Gen)

- 1 AN ACT ...; relating to: rule-making procedures and modifying certain rules
- 2 promulgated by the Department of Children and Families establishing
- 3 standards for the operation of child care centers.

Analysis by the Legislative Reference Bureau

STATUTORY TREATMENTS

Rule-making procedures

Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

- 1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.
- 2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff for review.
- 3. Subject to certain exceptions, a public hearing is held on the proposed rule.
- 4. The final draft of the proposed rule is submitted to the governor for approval.
- 5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules.
- 6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin

Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under this bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

TREATMENTS OF ADMINISTRATIVE RULES

Under current law, no person may for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day unless that person obtains from the Department of Children and Families (DCF) a license to operate a child care center. Current law requires DCF to promulgate rules establishing standards for the operation of child care centers.

Those rules include a rule requiring a child care center providing care and supervision for not more than eight children (family child care center) to provide written information to parents on whether the family child care center has insurance coverage on vehicles, if transportation is provided by the family child care center. This bill eliminates that requirement.

Those rules also include a rule requiring a family child care center to maintain for each child enrolled in the family child care center a written record of enrollment information and health history on a form provided by DCF. This bill requires enrollment information and health history to be maintained on separate forms provided by DCF.

In addition, those rules include: 1) a rule requiring a child receiving care from a family child care center or a child care center providing care and supervision for more than eight children (group child care center) to have an initial health examination no later than three months after being admitted to the child care center and to have followup health examinations at certain intervals after that; and 2) a rule requiring a report on such a health examination to be made on a form provided by DCF that is signed and dated by a licensed physician, physician assistant, or HealthCheck provider, which is a provider of health assessment and evaluation services certified by the Department of Health Services. This bill permits a health examination report to be made on an electronic printout from a licensed physician, physician assistant, or HealthCheck provider.

Finally, the bill corrects, in the DCF rules relating to child care, certain cross-references to the rules governing the responsibilities and qualifications of group child care center program directors, teachers, and assistant teachers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 13.92 (4) (bm) of the statutes is created to read:

1 13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.
2 227.265 affect the same unit of the Wisconsin administrative code without taking
3 cognizance of the effect thereon of the other rules and if the legislative reference
4 bureau finds that there is no mutual inconsistency in the changes made by each such
5 rule, the legislative reference bureau shall incorporate the changes made by each
6 rule into the text of the unit and document the incorporation in a note to the unit.
7 For each such incorporation, the legislative reference bureau shall include in a
8 correction bill a provision formally validating the incorporation. Section 227.27 (2)
9 is not affected by printing decisions made by the legislative reference bureau under
10 this paragraph.

11 **SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

12 13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin
13 administrative code a note explaining any change made under par. (b) or (bm).

14 **SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

15 13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not
16 apply to any change made by the legislative reference bureau under par. (b) or (bm).

17 **SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

18 13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a
19 record of each change made under par. (b) or (bm).

20 **SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

21 13.92 (4) (f) The legislative reference bureau shall notify the agency involved
22 of each change made under par. (b) or (bm).

23 **SECTION 6.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20,
24 is amended to read:

1 35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau
2 under s. 227.20 (1) or modified under s. 227.265 since the compilation of the
3 preceding register, including emergency rules filed under s. 227.24 (3).

4 **SECTION 7.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
5 is amended to read:

6 35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been
7 affected by rules filed with the legislative reference bureau under s. 227.20 (1) or
8 modified under s. 227.265, in accordance with sub. (3) (e) 1.

9 **SECTION 8.** 35.93 (3) of the statutes is amended to read:

10 35.93 (3) The legislative reference bureau shall compile and deliver to the
11 department for printing copy for a register which shall contain all the rules filed
12 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the
13 preceding issue of the register was made and those executive orders which are to be
14 in effect for more than 90 days or an informative summary thereof. The complete
15 register shall be compiled and published before the first day of each month and a
16 notice section of the register shall be compiled and published before the 15th day of
17 each month. Each issue of the register shall contain a title page with the name
18 "Wisconsin administrative register", the number and date of the register, and a table
19 of contents. Each page of the register shall also contain the date and number of the
20 register of which it is a part in addition to the other necessary code titles and page
21 numbers. The legislative reference bureau may include in the register such
22 instructions or information as in the bureau's judgment will help the user to correctly
23 make insertions and deletions in the code and to keep the code current.

24 **SECTION 9.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin
25 Act 20, is amended to read:

1 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the
2 appropriate chapters of the Wisconsin administrative code each permanent rule filed
3 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265
4 and, for each chapter of the administrative code affected by a rule, do all of the
5 following:

6 **SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act
7 20, is amended to read:

8 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register
9 in accordance with the filing deadline for publication established in the rules
10 procedures manual published under s. 227.15 (7) ~~or~~, in an end-of-month register
11 agreed to by the submitting agency and the legislative reference bureau, or, in the
12 case of a rule modified under s. 227.265, in the end-of-month register for the month
13 in which the bill modifying the rule is enacted.

14 **SECTION 11.** 227.01 (13) (intro.) of the statutes is amended to read:

15 227.01 (13) (intro.) "Rule" means a regulation, standard, statement of policy,
16 or general order of general application which has the effect of law and which is issued
17 by an agency to implement, interpret, or make specific legislation enforced or
18 administered by the agency or to govern the organization or procedure of the agency.
19 "Rule" includes a modification of a rule under s. 227.265. "Rule" does not include, and
20 s. 227.10 does not apply to, any action or inaction of an agency, whether it would
21 otherwise meet the definition under this subsection, which:

22 **SECTION 12.** 227.11 (2) (intro.) of the statutes is amended to read:

23 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency
24 as follows:

25 **SECTION 13.** 227.265 of the statutes is created to read:

1 **227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule
2 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.
3 Instead, the legislative reference bureau shall publish the repeal or modification in
4 the Wisconsin administrative code and register as required under s. 35.93, and the
5 repeal or modification shall take effect as provided in s. 227.22.

6 **SECTION 14.** 227.27 (2) of the statutes is amended to read:

7 227.27 (2) The code shall be prima facie evidence in all courts and proceedings
8 as provided by s. 889.01, but this does not preclude reference to or, in case of a
9 discrepancy, control over a rule filed with the legislative reference bureau or the
10 ~~secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy
11 of a rule shall also and in the same degree be prima facie evidence in all courts and
12 proceedings.

13 **SECTION 15.** DCF 203.03 (3) (d) of the administrative code is amended to read:

14 DCF 203.03 (3) (d) All child care teachers at the center shall be qualified under
15 s. DCF 251.05 (1) ~~(d)~~ (f) and shall have a minimum of a child development associate
16 credential or a one-year degree in early childhood education or child development
17 or equivalent or is be in the process of completing a training plan to meet these
18 standards within one year of the date of initial accreditation;

19 **SECTION 16.** DCF 203.03 (3) (e) of the administrative code is amended to read:

20 DCF 203.03 (3) (e) The program director at the center shall be qualified under
21 s. DCF 251.05 (1) ~~(e)~~ (e) and shall have a minimum of a bachelor of arts degree in early
22 childhood education or child development and at least 3 years of full-time teaching
23 experience with young children or equivalent or is be in the process of completing a
24 training plan to meet this standard within one year after the date of initial
25 accreditation;

1 SECTION 17. DCF 250.04 (2) (g) of the administrative code is amended to read:

2 DCF 250.04 (2) (g) Provide written information to parents on whether a
3 licensee has insurance coverage on the premises, and on the child care ~~operation and~~
4 ~~on vehicles if transportation is provided~~ business. Liability insurance on the child
5 care business is required if cats or dogs are allowed in areas accessible to children
6 during the hours of operation as specified in s. DCF 250.07 (7) (h).

7 SECTION 18. DCF 250.04 (6) (a) 1. of the administrative code is amended to read:

8 DCF 250.04 (6) (a) 1. Enrollment information and health history on ~~a~~ [↓] form
9 forms provided by the department. The enrollment information and health history
10 shall be on file prior to the child's first day of attendance.

11 SECTION 19. DCF 250.07 (6) (L) 3. of the administrative code is amended to
12 read:

13 DCF 250.07 (6) (L) 3. The health examination report shall be made on an
14 electronic printout from a licensed physician, physician assistant, or HealthCheck
15 provider or on a form provided by the department ~~and shall be~~ that is signed and
16 dated by a licensed physician, physician assistant, or [↓] ~~a~~ HealthCheck provider.

17 SECTION 20. DCF 251.03 (2) of the administrative code is amended to read:

18 DCF 251.03 (2) ^{fit} "Assistant child care teacher" means a child care worker who
19 works under the supervision of a child care teacher and who meets the qualifications
20 under s. DCF 251.05 (1) (e) (g).

21 SECTION 21. DCF 251.03 (4) of the administrative code is amended to read:

22 DCF 251.03 (4) ^{fit} "Center director" means the person who is responsible to the
23 licensee for the supervision of the center's program for children and for the
24 supervision of the center's staff and who meets the qualifications of under s. DCF
25 251.05 (1) (e) (e).

1 SECTION 22. DCF 251.03 (5) of the administrative code is amended to read:

2 DCF 251.03 (5) ^{ck} "Child care teacher" means a child care worker who plans,
3 implements, and supervises the daily activities for a designated group of children
4 and who meets the qualifications under s. DCF 251.05 (1) [✓](d) [✓](f).

5 SECTION 23. DCF 251.04 (5) (a) 4. of the administrative code is amended to read:

6 DCF 251.04 (5) (a) 4. The physical examination report required under s. DCF
7 251.05 (1) [✓](~~h~~) [✓](L) 1.

8 SECTION 24. DCF 251.07 (6) (k) 3. of the administrative code is amended to
9 read:

10 DCF 251.07 (6) (k) 3. The health examination report shall be made on an
11 electronic printout from a licensed physician, physician assistant, or HealthCheck
12 provider or on a form provided by the department and shall be that is signed and
13 dated by a licensed physician, physician assistant, or HealthCheck provider.

14 SECTION 25. DCF 251.09 (1) (e) of the administrative code is amended to read:

15 DCF 251.09 (1) (e) The regularly assigned child care teacher and assistant
16 child care teacher for each group of infants and toddlers shall have a minimum of 10
17 hours of training in infant and toddler care approved by the department within 6
18 months after assuming the position. If the training is not part of the required
19 entry-level training under s. DCF 251.05 (1) [✓](d) [✓]or [✓](e) [✓](f) or [✓](g), it shall be obtained
20 through continuing education.

21 SECTION 26. DCF 251.095 (2) (d) of the administrative code is amended to read:

22 DCF 251.095 (2) (d) Section DCF 251.05 (1) [✓](e) [✓](g) 2., relating to training for
23 assistant child care teachers.

24 SECTION 27. DCF 251.095 (3) (a) of the administrative code is amended to read:



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3939/1
GMM:kjf:jm

2013 BILL

1 **AN ACT to amend** 13.92 (4) (c), 13.92 (4) (d), 13.92 (4) (e), 13.92 (4) (f), 35.93 (2)
2 (b) 4., 35.93 (2) (c) 1., 35.93 (3), 35.93 (3) (e) (intro.), 35.93 (3) (e) 1., 227.01 (13)
3 (intro.), 227.11 (2) (intro.) and 227.27 (2); and **to create** 13.92 (4) (bm) and
4 227.265 of the statutes; **relating to:** rule-making procedures and modifying
5 certain rules promulgated by the Department of Children and Families
6 establishing standards for the operation of child care centers.

Analysis by the Legislative Reference Bureau

STATUTORY TREATMENTS

Rule-making procedures

Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.

2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff for review.

3. Subject to certain exceptions, a public hearing is held on the proposed rule.

BILL

4. The final draft of the proposed rule is submitted to the governor for approval.
5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules.
6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under this bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

TREATMENTS OF ADMINISTRATIVE RULES

Under current law, no person may for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day unless that person obtains from the Department of Children and Families (DCF) a license to operate a child care center. Current law requires DCF to promulgate rules establishing standards for the operation of child care centers.

Those rules include a rule requiring a child care center providing care and supervision for not more than eight children (family child care center) to provide written information to parents on whether the family child care center has insurance coverage on vehicles, if transportation is provided by the family child care center. This bill eliminates that requirement.

Those rules also include a rule requiring a family child care center to maintain for each child enrolled in the family child care center a written record of enrollment information and health history on a form provided by DCF. This bill requires enrollment information and health history to be maintained on separate forms provided by DCF.

In addition, those rules include: 1) a rule requiring a child receiving care from a family child care center or a child care center providing care and supervision for more than eight children (group child care center) to have an initial health examination no later than three months after being admitted to the child care center and to have followup health examinations at certain intervals after that; and 2) a rule requiring a report on such a health examination to be made on a form provided by DCF that is signed and dated by a licensed physician, physician assistant, or HealthCheck provider, which is a provider of health assessment and evaluation services certified by the Department of Health Services. This bill permits a health examination report to be made on an electronic printout from a licensed physician, physician assistant, or HealthCheck provider.

BILL

Finally, the bill corrects, in the DCF rules relating to child care, certain cross-references to the rules governing the responsibilities and qualifications of group child care center program directors, teachers, and assistant teachers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:

2 13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.
3 227.265 affect the same unit of the Wisconsin administrative code without taking
4 cognizance of the effect thereon of the other rules and if the legislative reference
5 bureau finds that there is no mutual inconsistency in the changes made by each such
6 rule, the legislative reference bureau shall incorporate the changes made by each
7 rule into the text of the unit and document the incorporation in a note to the unit.
8 For each such incorporation, the legislative reference bureau shall include in a
9 correction bill a provision formally validating the incorporation. Section 227.27 (2)
10 is not affected by printing decisions made by the legislative reference bureau under
11 this paragraph.

12 **SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

13 13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin
14 administrative code a note explaining any change made under par. (b) or (bm).

15 **SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

16 13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not
17 apply to any change made by the legislative reference bureau under par. (b) or (bm).

18 **SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

19 13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a
20 record of each change made under par. (b) or (bm).

BILL

1 **SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

2 13.92 (4) (f) The legislative reference bureau shall notify the agency involved
3 of each change made under par. (b) or (bm).

4 **SECTION 6.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20,
5 is amended to read:

6 35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau
7 under s. 227.20 (1) or modified under s. 227.265 since the compilation of the
8 preceding register, including emergency rules filed under s. 227.24 (3).

9 **SECTION 7.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
10 is amended to read:

11 35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been
12 affected by rules filed with the legislative reference bureau under s. 227.20 (1) or
13 modified under s. 227.265, in accordance with sub. (3) (e) 1.

14 **SECTION 8.** 35.93 (3) of the statutes is amended to read:

15 35.93 (3) The legislative reference bureau shall compile and deliver to the
16 department for printing copy for a register which shall contain all the rules filed
17 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the
18 preceding issue of the register was made and those executive orders which are to be
19 in effect for more than 90 days or an informative summary thereof. The complete
20 register shall be compiled and published before the first day of each month and a
21 notice section of the register shall be compiled and published before the 15th day of
22 each month. Each issue of the register shall contain a title page with the name
23 "Wisconsin administrative register", the number and date of the register, and a table
24 of contents. Each page of the register shall also contain the date and number of the
25 register of which it is a part in addition to the other necessary code titles and page

BILL

1 numbers. The legislative reference bureau may include in the register such
2 instructions or information as in the bureau's judgment will help the user to correctly
3 make insertions and deletions in the code and to keep the code current.

4 **SECTION 9.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin
5 Act 20, is amended to read:

6 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the
7 appropriate chapters of the Wisconsin administrative code each permanent rule filed
8 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265
9 and, for each chapter of the administrative code affected by a rule, do all of the
10 following:

11 **SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act
12 20, is amended to read:

13 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register
14 in accordance with the filing deadline for publication established in the rules
15 procedures manual published under s. 227.15 (7) or, in an end-of-month register
16 agreed to by the submitting agency and the legislative reference bureau, or, in the
17 case of a rule modified under s. 227.265, in the end-of-month register for the month
18 in which the bill modifying the rule is enacted.

19 **SECTION 11.** 227.01 (13) (intro.) of the statutes is amended to read:

20 227.01 (13) (intro.) "Rule" means a regulation, standard, statement of policy,
21 or general order of general application which has the effect of law and which is issued
22 by an agency to implement, interpret, or make specific legislation enforced or
23 administered by the agency or to govern the organization or procedure of the agency.
24 "Rule" includes a modification of a rule under s. 227.265. "Rule" does not include, and

BILL

1 s. 227.10 does not apply to, any action or inaction of an agency, whether it would
2 otherwise meet the definition under this subsection, which:

3 **SECTION 12.** 227.11 (2) (intro.) of the statutes is amended to read:

4 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency
5 as follows:

6 **SECTION 13.** 227.265 of the statutes is created to read:

7 **227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule
8 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.
9 Instead, the legislative reference bureau shall publish the repeal or modification in
10 the Wisconsin administrative code and register as required under s. 35.93, and the
11 repeal or modification shall take effect as provided in s. 227.22.

12 **SECTION 14.** 227.27 (2) of the statutes is amended to read:

13 227.27 (2) The code shall be prima facie evidence in all courts and proceedings
14 as provided by s. 889.01, but this does not preclude reference to or, in case of a
15 discrepancy, control over a rule filed with the legislative reference bureau ~~or the~~
16 ~~secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy
17 of a rule shall also and in the same degree be prima facie evidence in all courts and
18 proceedings.

19 **SECTION 15.** DCF 203.03 (3) (d) of the administrative code is amended to read:

20 DCF 203.03 (3) (d) All child care teachers at the center shall be qualified under
21 s. DCF 251.05 (1) (d) (f) and shall have a minimum of a child development associate
22 credential or a one-year degree in early childhood education or child development
23 or equivalent or is be in the process of completing a training plan to meet these
24 standards within one year of the date of initial accreditation;

25 **SECTION 16.** DCF 203.03 (3) (e) of the administrative code is amended to read:

BILL

1 DCF 203.03 (3) (e) The program director at the center shall be qualified under
2 s. DCF 251.05 (1) ~~(e)~~ (e) and shall have a minimum of a bachelor of arts degree in early
3 childhood education or child development and at least 3 years of full-time teaching
4 experience with young children or equivalent or is be in the process of completing a
5 training plan to meet this standard within one year after the date of initial
6 accreditation;

7 **SECTION 17.** DCF 250.04 (2) (g) of the administrative code is amended to read:

8 DCF 250.04 (2) (g) Provide written information to parents on whether a
9 licensee has insurance coverage on the premises, and on the child care ~~operation and~~
10 ~~on vehicles if transportation is provided~~ business. Liability insurance on the child
11 care business is required if cats or dogs are allowed in areas accessible to children
12 during the hours of operation as specified in s. DCF 250.07 (7) (h).

13 **SECTION 18.** DCF 250.04 (6) (a) 1. of the administrative code is amended to read:

14 DCF 250.04 (6) (a) 1. Enrollment information and health history on ~~a form~~
15 forms provided by the department. The enrollment information and health history
16 shall be on file prior to the child's first day of attendance.

17 **SECTION 19.** DCF 250.07 (6) (L) 3. of the administrative code is amended to
18 read:

19 DCF 250.07 (6) (L) 3. The health examination report shall be made on an
20 electronic printout from a licensed physician, physician assistant, or HealthCheck
21 provider or on a form provided by the department and shall be that is signed and
22 dated by a licensed physician, physician assistant, or ~~a~~ HealthCheck provider.

23 **SECTION 20.** DCF 251.03 (2) of the administrative code is amended to read:

BILL

1 DCF 251.03 (2) “Assistant child care teacher” means a child care worker who
2 works under the supervision of a child care teacher and who meets the qualifications
3 under s. DCF 251.05 (1) (e) (g).

4 **SECTION 21.** DCF 251.03 (4) of the administrative code is amended to read:

5 DCF 251.03 (4) “Center director” means the person who is responsible to the
6 licensee for the supervision of the center’s program for children and for the
7 supervision of the center’s staff and who meets the qualifications of under s. DCF
8 251.05 (1) ~~(e)~~ (e).

9 **SECTION 22.** DCF 251.03 (5) of the administrative code is amended to read:

10 DCF 251.03 (5) “Child care teacher” means a child care worker who plans,
11 implements, and supervises the daily activities for a designated group of children
12 and who meets the qualifications under s. DCF 251.05 (1) ~~(d)~~ (f).

13 **SECTION 23.** DCF 251.04 (5) (a) 4. of the administrative code is amended to read:

14 DCF 251.04 (5) (a) 4. The physical examination report required under s. DCF
15 251.05 (1) ~~(j)~~ (L) 1.

16 **SECTION 24.** DCF 251.07 (6) (k) 3. of the administrative code is amended to
17 read:

18 DCF 251.07 (6) (k) 3. The health examination report shall be made on an
19 electronic printout from a licensed physician, physician assistant, or HealthCheck
20 provider or on a form provided by the department and shall be that is signed and
21 dated by a licensed physician, physician assistant, or HealthCheck provider.

22 **SECTION 25.** DCF 251.09 (1) (e) of the administrative code is amended to read:

23 DCF 251.09 (1) (e) The regularly assigned child care teacher and assistant
24 child care teacher for each group of infants and toddlers shall have a minimum of 10
25 hours of training in infant and toddler care approved by the department within 6

BILL

1 months after assuming the position. If the training is not part of the required
2 entry-level training under s. DCF 251.05 (1) ~~(d) or (e)~~ (f) or (g), it shall be obtained
3 through continuing education.

4 **SECTION 26.** DCF 251.095 (2) (d) of the administrative code is amended to read:

5 DCF 251.095 (2) (d) Section DCF 251.05 (1) ~~(e)~~ (g) 2., relating to training for
6 assistant child care teachers.

7 **SECTION 27.** DCF 251.095 (3) (a) of the administrative code is amended to read:

8 DCF 251.095 (3) (a) Section DCF 251.05 (1) ~~(e)~~ (g) 2., relating to training for
9 assistant child care teachers.

10 **SECTION 28. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) The treatment of section 35.93 (2) (b) 4. and (c) 1. and (3) (e) (intro.) and 1.
13 of the statutes takes effect on January 1, 2015.

14 (END)